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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, DC 20554

Re: CC Docket No. 92-166

EX PARTE PRESENTATION

Dear Mr. Caton:

During the course of a meeting today with Karen Brinkmann, Legal Advisor to Chairman Hundt, Dale Gallimore, Counsel of Loral/QUALCOMM Partnership, L.P. (LQP), and Michele R. Pistone of Willkie Farr & Gallagher, discussed the MSS Above 1 GHz spectrum sharing proposal as reflected in LQP's Comments filed in CC Docket No. 92-166. Enclosed is a copy of the talking points used in the meeting and distributed to Ms. Brinkmann.

Two copies of this letter and its enclosure are being submitted for inclusion in the file referenced above.

Respectfully submitted,

William D. Wallace, Jr.

William D. Wallace

Enclosure

cc: Karen Brinkmann

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Talking Points

I. The Commission's Spectrum Sharing Proposal

The Big LEO applicants are in unanimous agreement that the Commission's proposal to assign CDMA systems to 11.35 MHz of shared bandwidth at 1610-1621.35 MHz and the FDMA/TDMA system to 5.15 MHz of dedicated bandwidth at 1621.35-1626.5 MHz will accommodate the initial spectrum requirements of all qualified Big LEO applicants, and will avoid mutual exclusivity. See "Joint Proposal and Settlement Agreement", ¶ 1(a) and 2.

The Big LEO applicants are also in unanimous agreement that some aspects of the Commission's proposal can be modified to more fully effectuate the Commission's licensing policies and benefit the Mobile Satellite Service as a whole:

- The Commission proposed that, if only one CDMA system is implemented, it would reduce the bandwidth assigned to that system from 11.35 MHz to 8.25 MHz at 1610-1618.25 MHz and reassign 3.1 MHz to the FDMA/TDMA system if it can demonstrate the need for additional spectrum, or to a new entrant. NPRM ¶ 33, 34. The Big LEO applicants themselves agree, however, that this 3.1 MHz should be available to either the sole CDMA system, the FDMA/TDMA system, or both, upon a showing by either licensee of need for this spectrum. See "Joint Proposal", ¶ 5.

- The Commission assumed that CDMA systems assigned to share 11.35 MHz in the 1.6 GHz uplink spectrum will need only a corresponding amount of 2.4 GHz downlink spectrum, and therefore proposed to limit the operations of CDMA systems in the 2.4 GHz band to 8.25 MHz. NPRM ¶ 37. The Big LEO applicants, on the other hand, unanimously agree that the entire 2.4 GHz band should be assigned to and shared by the CDMA systems. See "Joint Proposal", ¶ 1 (c). CDMA systems will require access to the entire 16.5 MHz of downlink spectrum in order to have the flexibility needed to achieve the required coordination with other systems and other services, minimize the cost of their satellites, and maximize their achievable capacity. No other service has asserted a need for exclusive access to any of this spectrum, and there is no reason why it should lie fallow.

II. GLONASS

The Commission suggested that it may need to develop a transitional plan for MSS migration into the 1610-1616 MHz band, with Big LEO licensees operating on less than the full amount of their assigned spectrum at least initially, if the GLONASS system has not been moved to frequency bands below 1610 MHz. NPRM fn. 59 at p. 17.

- The Big LEO applicants unanimously agree that any "impairment" of spectrum resulting from the need to protect GLONASS receivers should be equitably apportioned among all Big LEO systems, and that the FDMA/TDMA system should share this burden. However:

- The applicants other than Globalstar have agreed that their "transitional" spectrum assignments -- to become effective if GLONASS has not transitioned to bands below 1610 MHz by the time the Big LEO systems are launched in the late 1990s - should be determined no later than April, 1995, even if the FAA has not by then adopted protection criteria for GLONASS. Globalstar believes that there is no good reason to rush in to the adoption of such "interim" or "transitional" spectrum assignments until all the facts -- including the relevant protection criteria -- are known, and until it appears probable that such transitional assignments will in fact be necessary. If the point of the proposal is to "share the burden," then the parties should understand what the burden is. And none of the LEO systems will be operational by April 1995. A transitional plan so far in advance of its need could frustrate the timely development of a viable Mobile Satellite Service for the following reasons:

A transitional plan would probably not provide LEO systems with sufficient spectrum in which to achieve needed capacity;

A transitional plan would contribute substantial uncertainty to the design of LEO systems;

A transitional plan may signify to the Russian Administration that there is really no need to vacate frequencies at 1610 MHz and higher;

A transitional plan would not encourage GNSS receiver manufacturers to properly design receivers so that they reject LEO MSS signals at and above 1610 MHz. Since the receiver would continue to receive LEO MSS transmissions as out-of-band interference even after the transition of GLONASS to frequencies below 1610 MHz, a transitional plan could lead to degraded GNSS performance and unnecessary difficulty in coordinating GLONASS and the LEO MSS systems.

- If, on the other hand, GLONASS has not vacated this spectrum when the Big LEO systems become operational, a transitional plan will be necessary even if there is only one operational CDMA system and one operational TDMA system. The "Joint Proposal" provides otherwise. See "Joint Proposal," ¶ 3 (c)(6). If the point of the proposal is to "share the burden," then GLONASS impairment of MSS spectrum should not be imposed on only one system, i.e., a sole CDMA system. The burden should be evaluated before deciding whether to implement a transitional plan if only one CDMA system is providing service at the time.

III. The "Joint Proposal"

A. The Commission Should Not Adopt a "Global Band Segmentation Sharing Requirement"

The proposed global band segmentation sharing requirement is outside the scope of this proceeding. The Commission has already stated in this proceeding that its proposed spectrum sharing plan "represents our intended objectives for dividing the 1.6 GHz band for operations covering the U.S. In view of the requirement for international coordination . . . full use of the authorized band in border areas or any overlapping coverage areas of different systems may depend upon agreements with other countries. Moreover, the applicability of the plan outside the U.S. will necessarily depend upon authorizations granted by the countries concerned." NPRM, fn. 63 at p. 18.

The other applicants, in recommending adoption of a global spectrum segmentation plan, are asking the Commission to contravene internationally established procedures for the coordination of MSS systems and to arrogate the jurisdiction of foreign administrations over international MSS systems operating within their territories.

The proposed global spectrum segmentation plan will not accomplish its intended purpose. It will not simplify or streamline the process of international coordination.

B. The Commission Should Not Adopt an Out-of-Band Emissions Mask

LQP is willing to coordinate an out-of-band emissions mask between the CDMA and TDMA segments. However, such coordination requires the development of information on the design and construction of Mobile Earth Stations. As LQP stated in its September 13, 1994 letter to the Commission, such coordination should occur in the context of a proceeding for the blanket licensing of MESs at an appropriate time in the future. And the CDMA systems should not be required to protect the secondary downlink of the TDMA system as though it had received a primary frequency allocation.

C. Financial Qualification Standard

LQP has provided its views in its Comments and Reply Comments. The Commission has substantial experience in establishing financial qualification standards for communication satellite systems. That experience militates in favor of the standard proposed in the NPRM.

IV. Feeder Links

LQP agrees with the Joint Applicants that the Commission should accommodate all MSS feeder link assignment requests in the specified bands for the full amount requested by each applicant. The Commission should, as a minimum, conditionally authorize the use of spectrum in the C-band for use as MSS feeder links. LQP also agrees that the Commission should reaffirm its interpretation of RR 2613 in the NPRM and seek the adoption of this interpretation internationally.